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March 5, 2010

Via Email & 1st Class Mail

John A. Carrigan, Section Chief
Solid Waste Management
DEP-Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

**Re: Commonwealth of Massachusetts vs. New Ventures Associates LLC ;
Civil Action No. SUCV2006-00790; FME# 39545;
Paragraph 27 Notice – Berm**

Dear Mr. Carrigan:

This office is in receipt of a letter dated March 3, 2010 denying the revised berm design. In our opinion, the letter is premature, misinterprets the conclusions of New Ventures' geotechnical consultant and is not supported by the data submitted to date.

The bulk of the Department's letter focuses on conditions, findings and materials submitted by New Ventures prior to the October 22, 2009. It chronicles the work that was performed by New Ventures in accordance with the Settlement Agreement to determine and confirm the materials in the berm including the limited organic material on a portion of the northeast portion of the berm. As a result of collecting this data, GeoComp presented the Department a modification to the design with the stone buttressed slope to meet the design safety factor of 1.3. In addition, GeoComp proposed to monitor the construction and post construction phases. The Department has requested additional information to confirm GeoComp's conclusions.¹ GeoComp is evaluating that request.

Finally, the Standby Trust Agreement does not authorize DEP to draw funds when it does not have evidence that the berm design does not meet the design safety factor. New Ventures has stated publicly and privately that it intends to respond to the items raised by the Department's consultants so that it can go forward and complete the berm construction and complete closure.

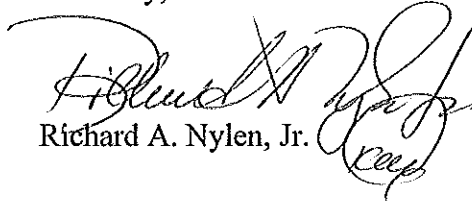
¹ New Ventures notes that the Department has not reached a conclusion that the design does not meet the design safety factor of 1.3. Rather, it is seeking further response to its questions.

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Please contact us if you have any questions.

Thank you.

Sincerely,



Richard A. Nylen, Jr.

RAN/kad

cc: The Honorable Donna Holaday, Mayor
Mr. William Thibeault, New Ventures Associates, LLC
Mr. Michael Quatromoni
Mark R. Reich, Esq.